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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,953	08/07/2003	Kevin Troudt	TR-03-03	3390

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LAW OFFICE OF DAVID L. TINGEY
321 BURNETT AVE. S., STE 303
RENTON, WA 98055

EXAMINER

HOGAN, JAMES SEAN

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,953

Applicant(s)

TROUDT, KEVIN

Examiner

James S Hogan

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-37 is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-13, 15 and 18 is/are rejected.
- 7) ☒ Claim(s) 9, 14, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/07/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, and 5-6 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,323,196 to Louge et al.

Referring to claims 1 and 5-6, Logue et al. ('196) discloses a portable remote swivel nozzle assembly (14) with adjustable spray orientation for spraying pressurized fluids. The nozzle includes extension pole (10), a swivel nozzle (14) including a base (24) connected to the pole distal end and a head (26) swivelly connected to the base. The swivel nozzle is disclosed to have a through passageway between the pole distal end and a discharge orifice in the head, an actuator (32) on the extension pole, where the actuator and the swivel nozzle head are mechanically linked to communicate movement of the actuator to the head in adjusting orientation of the head relative to the base. As for claim 5, the actuator has a pole arm (34) as a handle grip mounted at a fixed position on the pole and rotatable on an axis transverse to the pole and mechanically connecting to the head such that rotation of the handle grip on its axis causes the head to rotate. As for claim 6, the pole of the Logue et al. ('196) device is tubular with a pole passageway as a fluid conduit between a pole connector on the pole proximal end and a nozzle connector on the pole distal end.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,323,196 to Louge et al. in view of U.S. Patent No. 5,894,625 to Vobikian.

Referring to claims 2-3, Louge et al. ('196) does not teach where the actuator comprises a handgrip slidable on the pole, adjusting orientation of the head as the handgrip slides on the pole. The invention of Vobikian ('625) (see figure 1) teaches a device with an actuator having a handgrip (10), adapted as a pole hold, slidable on the pole, adjusting orientation of the device (head) as the handgrip slides on the pole. Therefore it would be obvious to one skilled in the art at the time the invention was made to have modified the spray apparatus of Louge et al. ('196) with the slidable handgrip of Vobikian ('625) in order to have a slidable control of a rotating spray nozzle.

Claims 4,7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,323,196 to Louge et al. in view of U.S. Patent No. 6,685,115 to Hardin.

Referring to claim 4, Louge et al. ('196) does not teach the actuator on a spray apparatus having a pole arm mounted pivotally on the pole at a fixed position. Contrary, the device of Hardin ('115) (see Figure 1) teaches a pole arm (140) mounted pivotally (132) on the pole at a fixed position and connecting to the head through a rod (151)

such that pivoting of the pole arm causes the head (30) to rotate. Therefore it would be obvious to one skilled in the art at the time the invention was made to have modified the spray apparatus of Louge et al. ('196) with the pivotal pole arm of Hardin ('115) in order to have a pivoting control of a rotating spray nozzle.

Referring to claims 7, Louge et al. ('196) does not teach a lever attached to the head. Contrary, the device of Hardin ('115) teaches a lever (120) attached to a nozzle, extending outward to which a rod (151) is attached connecting the actuator (140) to the nozzle, the lever positioned relative to the head such that the head is directed mostly forward when the actuator is fully extended. As for claim 8, the head rotates on the base (32) with minimal friction, the lever connected through the rod to the adjustable actuator on the pole.

Claims 10-13,15,18 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,323,196 to Louge et al. in view of U.S. Patent No. 5,372,389 to Tam et al.

Referring to claims 10-13, Louge et al. ('196) does not teach a swivel nozzle including a manifold providing fluid connection between the base and the head. Tam et al. ('389) teaches a swivel nozzle (10) having a manifold (16) providing fluid connection to the head (14) from the base (12). Then manifold has an axial passageway (40) for this purpose, and is provided with fluid seals (upper and lower o-rings 54 and 55) contained within the swivel nozzle. The manifold integrated into the head via a threaded connection (72 and 74) and there is no relative movement between them. The swivel joint is capable of 180° rotation (Col. 1 line 62).

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Referring to claims 15 and 18, the swivel joint of Tam et al. ('389) (see figure 2) further comprises a bolt (17) with a head (17H), the bolt threaded into matching threads (74) in the manifold passageway at its head end. Upper and lower O-rings (74 and 75) are spaced apart around the manifold. A base bore (58) runs longitudinally with the base with a base passageway (57) between the base bore and a base entry orifice (@40). The manifold further comprises a manifold upper passageway (40-42) radial from a manifold axis (A1), and a manifold upper circumferential groove (48) interacting the manifold upper passageway between the upper and lower O-rings and coplanar with the base passageway. As for claim 18, the head further includes a head bore (76) creating a head passageway from the manifold lower passageway (70) and a head discharge orifice (78). Therefore it would have been obvious to one skilled in the art at the time the invention was made to modify the spray apparatus of Louge et al ('196) with the swivel nozzle of Tam et al. ('389) in order to have a leak-proof spray apparatus capable of tilting 180° during operation.

Allowable Subject Matter

4. Claims 19-37 allowed over the prior art.
5. Claims 9, 14, 16 and 17 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows.

U.S. Patent No. 3,166,252 to Williams et al., disclosing a swivel joint for spray nozzles

U.S. Patent No. 6,619,569 to Jens, disclosing an extended reach pressure relief spray valve

U.S. Patent No. 1,745,972 to Beck, disclosing a spray control appliance

U.S. Patent No. 5,947,388 to Woodruff, disclosing an articulated pole for spraying fluids

U.S. Patent No. 1,849,511 to Thompson, disclosing an extension pole attachment for spray guns

U.S. Patent No. 3,893,630 to Bochmann et al. disclosing a swivel outlet for a sprayer Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S Hogan whose telephone number is (571) 272-4902. The examiner can normally be reached on Mon-Fri, 7:00a-4:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSH
10/28/2004



David A. Schober
Supervisory Patent Examiner
Group 3700